BEFORE THE IOWA BOARD OF BEHAVIORAL SCIENCE

IN THE MATTER OF)	CASE NO. 13-017
RANDY DRAKE,)	SETTLEMENT AGREEMENT AND
RESPONDENT.)	FINAL ORDER

Pursuant to Iowa Code sections 17A.10 and 272C.3(4) (2013), the Iowa Board of Behavioral Science ("Board") and Randy Drake ("Respondent") enter into the following Settlement Agreement and Final Order ("Order") to settle a contested case currently pending before the Board.

The allegations contained in the Statement of Charges against Respondent shall be resolved without proceeding to hearing, as the Board and Respondent stipulate as follows:

- 1. Respondent was issued Iowa license 00963 to practice as a mental health counselor.
- 2. Respondent's license is active and will expire on September 30, 2014.
- 3. The Board has jurisdiction over the parties and the subject matter of these proceedings.
- 4. A Notice of Hearing and Statement of Charges was filed against the Respondent on February 6, 2014. A contested case hearing in this matter is scheduled for May 1, 2014.
- 5. Respondent has chosen not to contest the allegations in the Statement of Charges and acknowledges that the allegations, if proven in a contested case proceeding, would constitute grounds for the discipline agreed to in this Order.
- 6. Execution of this Order constitutes the resolution of a contested case. Respondent has a right to a hearing on the charges, but waives his right to hearing and all attendant rights, including the right to appeal, by freely and voluntarily agreeing to this Order. Once entered, this Order shall have the force and effect of a disciplinary order entered following a contested case hearing.
- 7. Respondent is freely and voluntarily entering into this Order.
- 8. Respondent acknowledges that he has a right to be represented by counsel on this matter.
- 9. The State's legal counsel may present this Order to the Board *ex parte*.
- 10. This Order is subject to approval by a majority of the full Board. If the Board fails to approve this Order, it shall be of no force or effect to either the Board or Respondent. If the Board approves this Order, it shall be the full and final resolution of this matter.

- 11. This Order shall be part of the permanent record of Respondent and shall be considered by the Board in determining the nature and severity of any disciplinary action to be imposed in the event of any future violations.
- 12. This Order, when fully executed, is a public record and is available for inspection and copying in accordance with the requirements of Iowa Code chapters 22 and 272C.
- 13. The Board=s approval of this Order shall constitute a **FINAL ORDER** of the Board.

IT IS THEREFORE ORDERED:

- 14. Upon the Board's approval of this Settlement Agreement and Final Order, Respondent's license shall be **INDEFINITELY SUSPENDED** until further order of the Board. During the entire period of suspension, Respondent shall not utilize any designation, abbreviation, or title which implies that Respondent is licensed to practice as a mental health counselor or otherwise hold himself out to be a licensed mental health counselor. During the entire period of suspension, Respondent shall not engage in any activity or practice of behavioral science in the state of Iowa for which a license is required.
- 15. Respondent may apply for termination of his license suspension and commencement of a period of probation when the following conditions have been satisfied:
 - a. Respondent must undergo a comprehensive substance abuse and mental health evaluation by a Board-approved evaluator. Respondent is responsible for all costs associated with this evaluation.
 - b. Respondent shall seek approval from the Board of the evaluator prior to undergoing the evaluation. Prior to the evaluation, the evaluator shall be provided with the Notice of Hearing and Statement of Charges, this Settlement Agreement and Final Order, and the investigative file in this case. Respondent shall provide the evaluator with documentation regarding his criminal convictions that are the subject of the Statement of Charges.
 - c. The evaluation report shall include specific recommendations for treatment, and an opinion as to whether Respondent is fit to practice as a mental health counselor, and if so, under what restrictions or conditions, if any.
 - d. Respondent shall comply with any recommendations of the evaluator and shall undergo recommended treatment.
 - e. Respondent shall provide a copy of the evaluation and documentation related to any follow-up treatment to the Board.
- 16. In the event the Board determines that Respondent's license suspension should be terminated, Respondent's license to practice as a mental health counselor shall be placed on **PROBATION** for a period of four (4) years. The terms of probation shall include:

- a. Respondent shall not possess or use any controlled substance or prescription drug in any form unless the controlled substance or prescription drug has been authorized and prescribed for Respondent by a licensed, treating physician or other qualified health care provider. Respondent shall provide a copy of the Statement of Charges and the Settlement Agreement and Final Order to any prescribing practitioners. Respondent shall promptly provide, upon request of an agent of the Board, copies of or access to medical records.
- b. Respondent shall participate in the Board's chemical screening program. Respondent shall complete enrollment in the Board's chemical screening program within 30 days of the date his license is placed on probation. Respondent shall provide random blood or urine samples when requested. Respondent agrees to comply with all requirements of the chemical screening program and shall be responsible for all costs associated with the program.
- c. Respondent shall follow the recommendations of his treating physician, substance abuse evaluator, or other treatment providers regarding continued participation in a substance abuse treatment or recovery program, including attendance at an aftercare group or structured recovery group meetings.
- d. Respondent must provide a copy of the Statement of Charges and the Settlement Agreement and Final Order to any current employers and any prospective future employers prior to accepting an offer of employment.
- e. Within thirty (30) days of commencing the practice of mental health counseling after his license is placed on probation, Respondent shall submit a proposed practice monitor and practice monitoring plan to the Board for approval. The proposed practice monitor shall be an Iowa-licensed mental health counselor. monitoring shall commence upon Board approval of the monitor and the plan. Respondent shall provide the practice monitor with a copy of the Notice of Hearing and Statement of Charges as well as this Settlement Agreement and Final Order. Respondent shall meet in a face-to-face setting with the monitor on a quarterly basis during the probation period to ensure Respondent is safely practicing as a mental health counselor. Respondent's practice monitor shall submit quarterly reports to the Board describing the dates of meetings held with Respondent, a summary of the discussion held at each meeting, the practice monitor's recommendations for further mentoring and monitoring, if any, and any other information the practice monitor deems relevant for the Board's review. Said quarterly reports are due on March 5, June 5, September 5, and December 5 of each calendar year during the probationary period. Respondent is responsible for all costs associated with practice monitoring.
- f. Respondent shall submit quarterly reports to the Board describing Respondent's compliance with these probationary terms and conditions. Said quarterly reports are due on March 5, June 5, September 5, and December 5 of each calendar year during the probationary period.

17.	Should Respondent violate the terms of this Order, the Board may initiate action to
	impose other licensee discipline as authorized by Iowa Code chapters 272C and 154D
	and 645 Iowa Administrative Code chapters 13 and 33.

This Settlement Agreement and Final Order is voluntarily submitted by Respondent to the Boa	ard
for its consideration on the 8^{+1} day of A , 2014.	

RANDY DRAKE

Respondent

CHAIRPERSON

Iowa Board of Behavioral Science

cc: Laura Cathelyn

Assistant Attorney General Hoover Building, 2nd Floor Des Moines, IA 50319